

REMARKS

Claims 1-19 have been examined and have been rejected under 35 U.S.C. § 103(a).

I. Rejections under 35 U.S.C. § 103(a) in view of over Masao (JP 59045738) and Thompson et al. (U.S. 3,699,479)

The Examiner has rejected claim 1 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao in view of Thompson.

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites forming a count from a first transmitted sequence. Claim 1 further recites generating error information when a first final value of the count differs from a second final value, where the second final value is also formed from the first transmitted sequence.

In the August 24, 2005 Office Action, the Examiner acknowledged that the above features are not taught by Masao. In the current Office Action, however, the Examiner maintains that the above features *are* taught in the Abstract of Masao. Applicant submits that there is no disclosure of generating error information when a first and second final value differ from one another, as recited in claim 1. Further, the Abstract fails to teach or suggest a second final value which is formed from a first transmitted sequence, where the first final value is also formed from the first transmitted sequence.

If the Examiner wishes to persist in the above rejection, Applicant respectfully requests the Examiner to specifically indicate which feature of Masao discloses the claimed first transmitted sequence, and which values disclose the claimed first and second final values that are

formed from the first transmitted sequence. Further, Applicant respectfully requests the Examiner to indicate where Masao discloses the generation of error information when the first and second values differ from one another.

Claim 1 also recites forming a count from a first transmitted sequence, by changing a counting direction after each on-value and by incrementing or decrementing the count for each off-value.

The Examiner acknowledges that Masao fails to disclose the above feature, but contends that Thompson does. Thompson discloses a counter 22 that can count up or down (col. 2, lines 28-49). The Examiner maintains that it would have been obvious to modify Masao with the counter of Thompson. As the proffered motivation, the Examiner maintains that it would have been obvious to one of ordinary skill in the art to modify the references because it would, “provide the opportunity to transmit the protected data by transmitting a specific count value depending on the data transmitted” (pg. 3 of Office Action). Applicant submits that neither of the cited references remotely suggests using a specific count to transmit protected data. The alleged motivation is wholly unsupported by the teachings of either reference. “[O]bviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination.” *In re Geiger*, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987) (citing *ACS Hosp. Sys. v. Montefiore Hosp.*, 221 USPQ 929, 933 (Fed. Cir. 1984)). The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.

In view of the above, if the rejection is to be maintained, Applicant requests the Examiner to point to a specific teaching in either reference that would provide the suggestion to modify the references in the manner proposed, or cite to another reference that supports the modification.

Finally, Applicant submits that Thompson fails to cure the deficient teachings of Masao set forth above. In particular, Thompson fails to disclose the generation of error information if a first final value of a count differs from a second final value.

Based on the foregoing, Applicant submits that claim 1 is patentable over the cited references and respectfully requests the Examiner to reconsider and withdraw the rejection.

II. Rejections under 35 U.S.C. § 103(a) in view of Masao, Thompson and Roche (US 4,138,596)

The Examiner has rejected claims 2-3 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson and Roche. However, since claims 2 and 3 are dependent upon claim 1, and Roche fails to cure the deficient teachings of Masao and Thompson in regard to claim 1, Applicant submits that claims 2 and 3 are patentable at least by virtue of their dependency.

III. Rejections under 35 U.S.C. § 103(a) in view of Masao, Thompson, Roche and Sainomoto et al. (US 2001/0054109 A1)

The Examiner has rejected claims 4 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson, Roche and Sainomoto. However, since claim 4 is dependent upon claim 1, and Roche and Sainomoto fail to cure the deficient teachings of Masao and Thompson, in regard to claim 1, Applicant submits that claim 4 is patentable at least by virtue of its dependency.

IV. Rejections under 35 U.S.C. § 103(a) in view of Masao, Thompson and Boros (US 4,095,165)

The Examiner has rejected claims 5-6 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson and Boros. However, since claims 5 and 6 are dependent upon claim 1, and Boros fails to cure the deficient teachings of Masao and Thompson, in regard to claim 1, Applicant submits that claims 5 and 6 are patentable at least by virtue of their dependency.

V. Rejections under 35 U.S.C. § 103(a) in view of Masao, Thompson and Fairbairn (US 4,181,850)

The Examiner has rejected claim 7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson and Fairbairn. However, since claim 7 is dependent upon claim 1, and Fairbairn fails to cure the deficient teachings of Masao and Thompson, in regard to claim 1, Applicant submits that claim 7 is patentable at least by virtue of its dependency.

VI. Rejections under 35 U.S.C. § 103(a) in view of Masao, Thompson and Sato et al. (US 4,087,627)

The Examiner has rejected claims 8-10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson and Sato. However, since claims 8-10 are dependent upon claim 1, and Sato fails to cure the deficient teachings of Masao and Thompson, in regard to claim 1, Applicant submits that claims 8-10 are patentable at least by virtue of their dependency.

VII. Rejections under 35 U.S.C. § 103(a) in view of Masao, Thompson and Gomm et al. (US 5,650,761)

The Examiner has rejected claims 11-15 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson and Gomm.

A. Claims 11, 13 and 15

Since claims 11, 13 and 15 contain features that are analogous to the features discussed above in regard to claim 1, Applicant submits that claims 11, 13 and 15 are patentable for at least analogous reasons as claim 1.

B. Claims 12 and 14

Since claims 12 and 14 are dependent upon one of claims 11 and 13, Applicant submits that such claims are patentable at least by virtue of their dependency.

VIII. Rejections under 35 U.S.C. § 103(a) in view of Masao, Thompson, Gomm, Kuttruff et al. (US2002/0080864 A1) and Eckstein et al. (US 2001/0040507 A1)

The Examiner has rejected claims 16-19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson, Kuttruff and Eckstein. However, since claims 16-19 are dependent upon claim 15, and Kuttruff and Eckstein fail to cure the deficient teachings of Masao and Thompson, in regard to claim 15, Applicant submits that claims 16-19 are patentable at least by virtue of their dependency.

IX. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/722,499

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

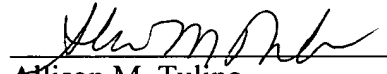
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